

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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DARLENE SCHMIDT,

Plaintiff,

vs.

RICK HARDMAN and SHIRLEY COOPER  
AUGILAR

Defendants.

MEMORANDUM DECISION AND  
ORDER GRANTING PLAINTIFF'S  
MOTION TO AMEND, DISMISSING  
PLAINTIFF'S COMPLAINT AND  
CLOSING CASE

Case No. 2:05-CV-1005 TS

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On December 14, 2005, the Court completed the screening process under 28 U.S.C. § 1915 and dismissed Plaintiff's Complaint, finding that it failed to state a claim for which relief may be granted.<sup>1</sup> Plaintiff has now filed a Motion for Rehearing and Amending the Complaint.<sup>2</sup> For the reasons stated below, the Court will grant Plaintiff's Motion to Amend. Even considering her Amended Complaint, however, the Court will still dismiss this case.

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<sup>1</sup>Docket No. 7.

<sup>2</sup>Docket No. 8.

In the Court's December 14, 2005 Order,<sup>3</sup> the Court set out the factual allegations in Plaintiff's Complaint and discussed the sufficiency of each of Plaintiff's causes of action. Plaintiff has now amended her Complaint in an attempt to cure some of the deficiencies which led the Court to dismiss her original Complaint. Again, the Court has gone through the screening process under § 1915 to determine whether Plaintiff's Amended Complaint states a claim for which relief may be granted. In so doing, the Court finds that Plaintiff's Amended Complaint still fails to state a cause of action under the provisions she has cited. For the reasons set forth more fully in the Court's December 14, 2005 Order,<sup>4</sup> Plaintiff's claims fail to state a cause of action and are dismissed.

It is therefore

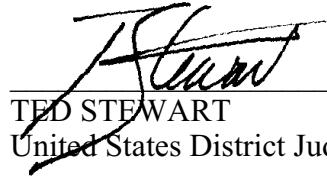
ORDERED that Plaintiff's Motion to Amend Complaint (Docket No. 8) is GRANTED.

It is further

ORDERED that Plaintiff's Amended Complaint (Docket No. 8) is DISMISSED. The clerk of the court is directed to close this case forthwith.

DATED January 31, 2006.

BY THE COURT:

  
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TED STEWART  
United States District Judge

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<sup>3</sup>Docket No. 7.

<sup>4</sup>*Id.*